

REMARKS

Claims 1-123 are pending in the application, of which Claims 1, 13, 20, 27, 46, 58, 65, 77, 82, 85, 100, 106, and 113-118 are independent claims. Claims 1-23 stand rejected under 35 U.S.C. § 102(e). In response, certain claims have been amended or cancelled. Although the rejections have been made final, finality of this Office Action is traversed as being premature.

The Office action has also objected to the disclosure. In response to assertions by the Office, the specification has been amended.

Regarding Finality of Office Action

The Office Action at hand was made final based on newly-applied art, even though most claims were not amended in the Applicant's last Amendment (filed on February 21, 2006). The Examiner's attention is drawn to Claims 20-64, 82-112, and 115-118, which were in original form.

Under present practice, a final rejection is improper "where the examiner introduces a new ground of rejection that is neither necessitated **by applicant's amendment of the claims** nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p)." MPEP 706.07(a) (emphasis added).

The Applicant's last IDS was filed on November 15, 2002, and the identified claims have never been amended. The last rejections were traversed and overcome without the need to amend the identified claims, and the new rejections of those old claims are based on newly-cited art. The newly-applied art was available and could have been applied in prior office actions, but was not. There was therefore no action by the Applicants that necessitated the new rejection.

Withdrawal of the finality of this office action is respectfully requested.

Objection to the Disclosure

The specification has again been objected to as being deemed to have “an embedded hyperlink and/or other form of browser-executable code.” The Applicant disagrees as stated in the prior Amendment.

The Office has determined that the use of the disputed text is not required to meet the requirements of 35 U.S.C. § 112, first paragraph. In reliance on the determination, the Applicant has amended the paragraph on page 13 to replace the disputed text.

Reconsideration and withdrawal of the objections to the Specification are respectfully requested.

Rejection of Claims Under Section 102

Claims 1-123 were rejected under 35 U.S.C. § 102(e) for anticipation by Burner et al. (U.S. 6,282,548).

Burner discusses a system for displaying metadata concurrently with a web page. The system uses a standard browser and does not require modifications to the HTML code for the web page being viewed. When a user views a web page via a browser, client software separate from the browser obtains metadata about the page (or its web site) for viewing by the user. While the web page can be retrieved from its web server, the metadata is retrieved from a database server. The database server is coupled to a database containing metadata and a database containing an archive of web pages.

The web page archive maintains a copy of HTML files that have been obtained from web servers by a web crawler. According to Burner, the archived pages server two functions. The main function is to mine metadata for a URL. The other function is to provide an archived copy of the HTML for a web page. In the later case, the user employs a browser to access the archived web page and the archived HTML is processed and displayed in the user’s browser window. Because the original HTML is used, selecting a link will direct the user to the web server associated with the linked URL, which may be newer than the archived page or non-existent.

The metadata can be any data related to a web site. Metadata discussed by Burner are “Where are you” information about the site or page, “Where can I go next” information that

suggests related pages to the user, and advertisements. Burner estimates that the storage requirements for the metadata would be approximately 1% of the storage requirement for the web page archive. It appears that older versions of archived web pages may be stored in the metadata database in secondary storage (*see* Col. 6, ll. 6-7).

Unlike web pages, which can be archived, registration information related to the web site is not archived, instead only one version of the registration information is created (the current version). For example, the ownership metadata would identify the current owner of a web site, not necessarily the contemporaneous owner of an archived web site.

In contrast, aspects of the Applicant's invention include a system that stores copies of the original content (such as HTML files) as well as a rendered browser view of the source file. By also storing rendered views of the source file, a future researcher does not require a browser (possibly long obsolete) that is capable of correctly processing the source file. The researcher, instead, can view the source file as originally written and the stored view, which represents how the content would have appeared through a browser at the time it was archived.

The subject application also recognizes that it may be important in the future to be able to identify those responsible for posting the original content, even after ownership of a domain has changed hands. A technique is thus described that can store identifying information about a content provider in association with the content. That information can include domain registry information.

The archived information is also indexed so that the content itself is searchable within the archive. Content that matches the search criteria can then be retrieved with the associated information about the content provider. This feature can be particularly useful when the content is no longer publicly available via the Internet (e.g. the web site no longer exists or the content has been deleted).

Distinguishable limitations in the claims relate to the above noted distinctions between the Applicant's invention and Burner.

- The invention is distinguishable at least by original independent Claims 27, 85, and 116 and by amended independent Claims 58, 106, and 118. Each of those claims recite the storage of "a copy of source code for operating a web browser" and "a copy of a browser-rendered display generated by the source code files" in

the data warehouse. Burner does not disclose or suggest the storage of “a browser-rendered display” in its archive. Indeed, Burner only stores the source code and requires a compatible browser to process the source code for display to a user.

- The invention is also distinguishable at least by amended independent Claims 46, 100, and 117. Each of those claims recite that bibliographical information is changeable over time and the storage of “each version of bibliographical information in a data archive.” Burner does not disclose or suggest the storage of multiple versions of ownership information in an archive. Instead, Burner maintains a single version that attempts to be up-to-date.
- The invention is also distinguishable at least by amended independent Claims 1, 13, 20, 65, 77, 82, 113, 114, and 115. Those claims recite the use of an electronic indexing system to facilitate querying of the archived content. Burner does not disclose or suggest the use of an indexing system to query the archived data. Instead, Burner requires the entry of a known URL to access the archive of a known web site.

As such, the claimed invention is patentably distinguishable from Burner.

Reconsideration of the rejections under 35 U.S.C. § 102(e) is respectfully requested.

CONCLUSION

The claims should now be in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to telephone Applicant's attorney (781-239-8131) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit any overpayment to Deposit Account No. 50-3739.

Respectfully submitted,

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